THE HON'BLE SRI JUSTICE C.V. RAMULU

7th June, 2006

W.P.No.10195 of 2006

Between:

Kommalapati Anantha Narasimha Rao

.. Petitioner

And

The Joint Collector, Prakasam
District, Ongole & 2 others .. Respondents

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ORAL ORDER:

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It seems that in the month of May, 2005, the petitioner was not permitted to lift the stocks under the Public Distribution System (PDS). According to the authorities, petitioner had resigned for the fair price shop dealership on 17-5-2005. However, petitioner denied the same and the Joint Collector-1st respondent ordered enquiry into the matter. Before the Revenue Divisional Officer-2nd respondent, petitioner contended that his signature was forged by some third parties with an ulterior motive to get the fair price shop allotted in their favour. However, the Revenue Divisional Officer, on the basis of the record, held that the resignation of petitioner dated 17-5-2005 was genuine. Aggrieved by that, petitioner filed an appeal before 1st respondent and the same is pending. During the pendency of that appeal, impugned notification dated 26-4-2006 was issued by the 2nd respondent inviting applications for grant of authorization in respect of the fair price shop held by the petitioner. Challenging the same, present writ petition is filed.

The only grievance of the petitioner is that if the vacancy is filled up on permanent basis, even if the appeal pending before the 1st respondent is allowed, it will lead to multiplication of litigation and the interest of third parties will be accrued.

In the facts and circumstances of the case, without going into the merits, to protect the interests of the petitioner as well as the Department, respondents are directed not to give effect to the impugned notification during the pendency of the appeal purported to have been filed by the petitioner and pending before 1st respondent. Respondent No.1 is directed to dispose of the appeal filed by the petitioner, within a period of three months from the date of receipt of a copy of this order, positively. The notification may be given effect to, if

required, after the disposal of the appeal.

With the above direction, the writ petition is disposed of. No order as to costs.

07-6-2006

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